

## CHAPTER NO. 46

## SENATE BILL NO. 2253

By Kyle, McLeary, Burks

Substituted for: House Bill No. 2266

By McMillan, Davidson, Litz, Coleman, Cobb, Yokley, Sontany, Fitzhugh, Bone

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 2, regarding the commissioner of agriculture's authority to adopt rules.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-3-203, is amended by adding the following as a new subsection (10):


( ) (a) Promulgate rules and regulations necessary to effectuate the purposes, duties and responsibilities of the department. Such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, except as otherwise provided by law.

(b) The enactment of a federal declaration of an extraordinary emergency or issuance of an emergency federal order or similar federal enactment that relates to the spread of plant or animal disease, the spread of pests from state to state, the protection of the food or feed supply, or that otherwise relates matters generally regulated by the department shall be deemed to constitute sufficient evidence of an immediate danger to the public health, safety or welfare of such a nature to justify the enactment of emergency rules for purposes of § 4-5-208(a).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: March 31, 2005**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 12<sup>th</sup> day of April 2005

  
PHIL BREDESEN, GOVERNOR